

Ordinance Committee Meeting  
December 9, 2008 @ 6:30 PM

#1 BE IT ORDAINED by the Board of Alderman that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

ADD: ARTICLE XXVI      BUILDING COMMISSIONS – SCHOOL PROJECTS

#2 Misc. Traffic Ordinances

#3 Minutes



**CHICOPEE BOARD OF ALDERMEN**  
**ORDINANCE COMMITTEE**

ACCEPTED 1/13/09

**MEMBERS**

James Tillotson, Chairman  
George Moreau, Vice-Chairman  
Donald Demers  
John Vieau  
Robert J. Zygarowski

**MINUTES**  
**December 9, 2008**

The following are the minutes of a public hearing held Tuesday, December 9, 2008 at 6:30 PM in the Aldermanic Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present:** Tillotson, Demers, Moreau, Zygarowski, Vieau (arrived 6:35)

**Also Present:** Alderman Zaskey, Alderman Brunetti, Alderman Brooks, Daniel Garvey (Associate City Solicitor), Marjorie Wojcik (School Committee), Richard Rege, Jr. (Superintendent of Schools), Adam Lamontagne (School Committee)

The meeting was called to order at 6:30 PM

**Item #1**

BE IT ORDAINED by the Board of Alderman that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

ADD: ARTICLE XXVI BUILDING COMMISSIONS – SCHOOL PROJECTS

**§ 16-112 Authority to Appoint; Purpose**

There is hereby established authorization to appoint a School Building Commission, whose duties will be to oversee the construction and/or renovations of all school buildings erected under contract by the City of Chicopee. The purpose of the School Building Commission shall be to both monitor and assist in the application for funds and advise and assist in the construction of a school building and/or renovation project.

**§ 16-113 Projects requiring Commissions.**

All buildings constructed for use by the City of Chicopee School Department or any of its departments and any renovations to existing school buildings where the total contract price totals \$250,000.00 or more Each such school project shall have a separate Building Commission.

#### **§ 16-114. Composition.**

Upon the solicitation of request for proposal in connection with a bid for construction of any project requiring a Commission in accordance with § 16-113, the Mayor shall become the chairman of the committee and appoint a total of twenty-four members, as follows:

- (1) A member of the Chicopee School Committee
- (2) The Chicopee Superintendent of Schools
- (3) The Chicopee Building Commissioner
- (4) City official/employee responsible for the maintenance of buildings
- (5) School principal of the subject school.
- (6) A member who has knowledge of the educational mission and function of the facility to be built or renovated.
- (7) A member of the City of Chicopee Finance Committee.
- (8) Nine members shall be selected on the basis of one resident from each ward by Ward Aldermen, four members shall be selected by Aldermen at Large and four by the Mayor from any part of the City, all of whom shall be subject to confirmation upon the affirmative vote of nine Aldermen.

#### **§ 16-115. Powers and duties.**

- (a) As soon as practical after their appointment, members of the School Building Commission shall hold an organizational meeting and elect a Vice Chairman and Secretary, who shall be chosen by a majority vote of the members present and voting.
- (b) The Chairman or Vice Chairman shall have the duty of calling all regular meetings of the Commission upon 48 hours' notice posted according to law. His duties shall include presiding over meetings of the Commission and all functions traditionally given to a Chairman. In the absence of the Chairman, the Vice Chairman shall serve in that capacity. The Secretary shall record the minutes of each meeting and shall be responsible for transmitting all minutes and documents received by the Commission to the City Clerk upon the dissolution of the Commission. A special meeting of the Commission shall be called upon written request of nine members.
- (c) The Commission shall have the duty to oversee the school construction project and shall elect a Bills Committee, whose members shall review all incoming bills and vouchers and recommend approval for payment to the full Commission. An affirmative vote of nine members of the Commission shall be required for approval of the bills, and at least four members must sign the bills, which will then be presented to the City Auditor.

#### **§ 16-116. Duration.**

The Commission shall have the power to act from the time of its appointment and shall cease to exist, or any member shall be removed, upon one of the following conditions:

- (a) When the building or project is finally accepted by the City; or
- (b) Upon a direction or order of the Mayor, who shall then transmit the termination notice to the Board of Aldermen. The procedure for termination under this section shall be held in accordance with § 16-117 of this article.

**§ 16-117. Removal of members.**

A person shall cease to be a member of the Building Commission upon removing his or her residence from the City of Chicopee or for any of the reasons specified in § 16-116. In the event that a person is to be removed, he or she shall be notified in writing by the Mayor and given the reasons for such removal. The person will, upon a request in writing, not later than seven days after receipt of such notice of removal, be given a hearing upon such reasons for removal, said hearing to be held by the Board of Aldermen within 15 days from the request for said hearing. An affirmative vote of nine shall be required before the removal becomes final.

**§ 16-118. Regulations to be distributed.**

Each member of the School Building Commission shall, upon appointment, be given a copy of this article and also a copy of MGL c. 30A, §§ 11A and 11A 1/2, and MGL c. 39, §§ 23A and 23B (Open Meetings Law).

After discussion the following ordinance was proposed

BE IT ORDAINED by the Board of Aldermen that the Code of the City of Chicopee for the Year 1991, as amended be and is hereby further amended as follows:

Delete 16-42

And in its place 16-42

There is hereby established authorization to appoint Building Commissions, whose duties will be to oversee the construction of all buildings erected under contract by the City of Chicopee and all construction projects designated hereafter with the exception of school building construction and/or school revocation projects. School building construction and/or school revocation projects shall be governed by ARTICLE XXVI, 16-112 to 16-118 inclusive.

**ADD Article XXVI Building Commissions – School Projects**

**16-112 Authority to Appoint: Purpose**

There is hereby established authorization to appoint a School Building Commission, whose duties will be to oversee the construction and/or renovations of all school buildings erected under contract by the City of Chicopee. The purpose of the School Building Commission shall be to both monitor and assist in the application for funds and advise and assist in the construction of a school building and/or renovation project.

**16-113 Projects requiring Commissions.**

All buildings constructed for use by the City of Chicopee School Department or any of its departments and any renovations to existing school buildings where the total contract price totals \$2,000,000.00 or more. Each such school project shall have a separate Building Commission.

**16-114 Composition.**

Upon the solicitation of request for a proposal in connection with a bid for construction of any project requiring a Commission in accordance with 16-113, the Mayor shall appoint a total of thirteen members, as follows:

**CATEGORIES**

- (1) A member of the Chicopee School Committee
- (2) The Chicopee Superintendent of Schools
- (3) The Chicopee Inspector of Buildings
- (4) City official/employee responsible for the maintenance of buildings
- (5) School principal of the subject school
- (6) A member who has knowledge of the educational mission and function of the facility to be built or renovated.
- (7) A member of the City of Chicopee Finance Committee
- (8) Members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability. (See 963 CMR 2.10 (3)(b).)
- (9) The Board of Aldermen shall recommend five appointments to the Mayor from category number eight.
- (10) The Mayor shall appoint one member from category eight.

All appointments by the Mayor to the School Building Commission must be submitted to the Board of Aldermen for confirmation by a majority vote of seven except for categories one thru seven.

**16-115 Powers and duties.**

- (a) As soon as practical after their appointment, to the Building Commission the Superintendent of Schools shall call an organizational meeting to elect a Chairman, Vice Chairman who shall be chosen by a majority vote of the members present and voting. The Secretary shall be hired by a majority of members present and voting. The Mayor shall appoint legal counsel to attend all meetings of the Commission as requested by the Chairman.
- (b) The Chairman or Vice Chairman shall have the duty of calling all regular meetings of the Commission upon 48 hours notice posted according to law. His duties shall include presiding over meetings of the Commission and all functions traditionally given to a Chairman. In the absence of the Chairman, the Vice Chairman shall serve in that capacity. The Secretary shall record the minutes of each meeting and shall be responsible for transmitting all minutes and documents received by the Commission to the City Clerk upon the dissolution of the Commission. A special meeting of the Commission shall be called upon written request of nine members.
- (c) The Commission shall have the duty to oversee the school construction project and shall elect a Bills Committee, whose members shall review all incoming bills and vouchers and recommend approval for payment to the full Commission. An affirmative vote of nine members of the Commission shall be required for

approval of the bills, and at least four members must sign the bills, which will then be presented to the City Auditor.

**16-116 Duration.**

The Commission shall have the power to act from the time of its appointment and shall cease to exist, or any member shall be removed, upon one of the following conditions:

- (a) When the building or project is finally accepted by the City; or
- (b) Upon a direction or order of the Mayor, who shall then transmit the termination notice to the Board of Aldermen? The procedure for termination under this section shall be held in accordance with 16-117 of this article.

**16-117 Removal of members.**

A person shall cease to be a member of the Building Commission upon removing his or her residence from the City of Chicopee or for any of the reasons specified in 16-116. In the event that a person is to be removed, he or she shall be notified in writing by the Mayor and given the reasons for such removal. The person will, upon a request in writing, not later than seven days after receipt of such notice of removal, be given a hearing upon such reasons for removal, said hearing to be held by the Board of Aldermen within 15 days from the request for said hearing. An affirmative vote of nine shall be required before the removal becomes final.

**16-117 Regulations to be distributed**

Each member of the School Building Commission shall, upon appointment, be given a copy of this article and also a copy of MGL c. 30A, 11A and 11A ½, and MGL c. 39, 23A and 23B (Open Meetings Law).

Dan will adjust the language in 16-114.

Alderman Tillotson stated that he would like to have this proposed ordinance tabled because he has heard but has not been able to confirm that the State House has approved the requested Board of Aldermen name change to City Council. If this is true then he would like to make this change in this ordinance also.

Motion made by Alderman Moreau to table. Motion passed.

**ITEM #2**

11 STONINA DRIVE

HANDICAP PARKING

Motion made to table. Motion passed.

**ITEM #3**

54 MEADOWLARK LANE

## HANDICAP PARKING

Motion made to table. Motion passed.

## **ITEM #4**

### CELIA STREET

East and west side to Dare Way

### ONE WAY STREET

COMMITTEE VOTE 5 – 0 favorable.

## **ITEM #5**

Minutes – December 1, 2008 – Motion made to accept. Motion passed.

Meeting adjourned at 7:18 PM.